

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

BB 23 Hollow Ridge LLC,

Case No. 24-22310-SHL

Debtor.

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STIPULATION VACATING AUTOMATIC STAY

Whereas, U.S. Bank Trust National Association as Owner Trustee for RCF 2 Acquisition Trust (the “Lender”) commenced a foreclosure action against Baitai Li in the New York Supreme Court, Westchester County under Index No. 63629/2019 (the “Foreclosure Action”) relating to certain residential development property at 23 Hollow Ridge Road, Mt. Kisco, New York consisting of approximately 21 acres, improved by one residential home with the possibility of building additional homes (the “Property”); and

Whereas, while the Foreclosure Action was pending, the Debtor acquired title to the Property, subject to the mortgage claim asserted by the Lender, and was permitted to intervene in the Foreclosure Action; and

A. Whereas, a judgment of foreclosure and sale was entered on January 11, 2024 and confirming that the Lender has a first mortgage lien against the Property in the amount of \$2,922,390.68 plus interest (the “Judgment”); and

Whereas, the Debtor has filed appeals which are pending before the Second Department under Docket Nos. 2024-02376 and 2024-02378, challenging, *inter alia*, the Lender’s standing vis-à-vis the MERS filing system, alleged title defects in the chain of mortgage assignments and the Lender’s alleged failure to comply with applicable residential foreclosure practices and protocols (the “Appeals”); and

Whereas, on April 9, 2024, the Debtor filed a voluntary petition under Chapter 11 of title 11 of the U.S. Code in the U.S. Bankruptcy Court for the Southern District of New York; and

Whereas, the Chapter 11 filing automatically stayed the Foreclosure Action and the Appeals pursuant to 11 U.S.C. Section 362(a); and

Whereas, the parties hereto are mutually desirous of vacating the stay and proceeding with the litigation of the Appeals;

Now, Therefore, it is hereby Stipulated and Agreed as follows:

1. The automatic stay is hereby modified effective immediately to permit the continued litigation of the Appeals to conclusion.

2. Upon final resolution of the Appeals, the parties shall file an appropriate stipulation with the Bankruptcy Court providing for further proceedings with respect to the Property and the secured claim of the Lender.

3. This Stipulation is subject to the approval of the Bankruptcy Court, which shall retain jurisdiction to determine any disputes arising hereunder, except with respect to the Appeals.

4. This Stipulation may be executed in one or more counterparts with pdf and/or facsimile signatures deemed to be originals.

[SIGNATURES ON FOLLOWING PAGE]

Dated: New York, NY
February 28, 2025

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By: /s/ Kevin R. Toole, Esq.

By: /s/ J. Ted Donovan, Esq.

So Ordered this 13th day of March, 2025

/s/ Sean H. Lane
United States Bankruptcy Judge